

REMARKS

Claims 5, 11, 12, 15, 44 and 45 are pending. No new matter has been added by way of the above amendments. For instance, certain claims have been cancelled and the dependencies of claims 5, 11 and 15 have been altered so that these claims now depend upon claim 44 or claim 46. Accordingly, no new matter has been added.

No new issues have been raised by way of the present amendments. For instance, Applicants have simply amended the claims so as to depend upon the subject matter of claim 44 and claim 46, which claims were previously searched and considered. Thus, no new issues have been raised which would require additional search and/or consideration on the part of the Examiner.

In the event that the present submission does not place the application into condition for allowance, entry thereof is respectfully requested as placing the application into better form for appeal.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues Under 35 U.S.C. §112, first paragraph

The Examiner has rejected claim 15 under 35 U.S.C. §112, first paragraph for the reasons recited at page 3 of the

outstanding Office Action. In particular, the Examiner asserts that there is insufficient written description for the subject matter of claim 15. Applicants traverse and submit that claim 15, relating to a kit for detection of a human PTCH2 gene has been amended to comprise, in a container, a nucleic acid according to claim 44 or claim 46. Since the subject matter of these claims has been indicated by the Examiner to be allowable, this rejection is moot. Reconsideration and withdrawal of this rejection are requested.

The Examiner has also rejected claims 2, 4, 5, 11, 12, 15, 45 and 47 under 35 U.S.C. §112, first paragraph for the reasons recited at page 3-4 of the outstanding Office Action. In particular, the Examiner asserts that no enablement exists for these claims. Applicants traverse and submit that claims 2 and 4 have been cancelled and claims 5, 11, 12 and 15 now depend upon claim 44 or claim 46. Since the subject matter of claims 44 and 46 has been indicated by the Examiner to be allowable, this rejection is moot. Reconsideration and withdrawal of this rejection are requested.

Issues Under 35 U.S.C. §102(b)

The Examiner has rejected claims 4, 45 and 47 under 35 U.S.C. §102(b) as being anticipated by Motoyama. Applicants traverse. Claims 4, 45 and 47 have been cancelled. Accordingly, this rejection is moot. Reconsideration and withdrawal thereof

are requested.

Issues Under 35 U.S.C. §102(e)

The Examiner has rejected claims 2, 4, 5, 11, 12 and 45 and 47 under 35 U.S.C. §102(e) as being anticipated by Sauvage et al., USP 6,348,575. Applicants traverse this rejection.

Claims 2, 4, 45 and 47 have been cancelled and claims 5, 11, 12 and 15 now depend upon claim 44 or claim 46. Since the subject matter of claims 44 and 46 has been indicated by the Examiner to be allowable, this rejection is moot. Reconsideration and withdrawal of this rejection are requested.

Issues Under 35 U.S.C. §102(b)

The Examiner has rejected claims 4 and 45 and 47 under 35 U.S.C. §102(b) as being anticipated by the Boehinger Mannheim 1991 catalog. Applicants traverse this rejection.

The rejected claims have been cancelled. Accordingly, this rejection is moot. Reconsideration and withdrawal of this rejection are requested.

Issues Under 35 U.S.C. §103(a)

The Examiner has rejected claims 4 and 15 under 35 U.S.C. §103(a) as being obvious over the Motoyama reference. Applicants traverse. The rejected claims have been cancelled. Accordingly, this rejection is moot. Reconsideration and withdrawal of this

rejection are requested.

The Examiner has also rejected claims 2, 4, 5, 11, 12, 15, 45 and 47 under 35 U.S.C. §103(a) as being obvious over Sauvage. Applicants traverse this rejection. Claims 2, 4, 45 and 47 have been cancelled and claims 5, 11, 12 and 15 now depend upon claim 44 or claim 46. Since the subject matter of claims 44 and 46 has been indicated by the Examiner to be allowable, this rejection is moot. Reconsideration and withdrawal of this rejection are requested.

Allowable Subject Matter

The Examiner has indicated that claims 44 and 46 are in condition for allowance. All claims now depend upon these claims, accordingly, all currently pending claims are in condition for allowance.

If the Examiner has any questions or comments, please contact Craig M. McRobbie, Reg. No. 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP at (703) 205-8000 in the Washington, D.C. area.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

Application No.: 09/807,007

required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;  
particularly, extension of time fees.

Respectfully submitted,

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